

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

CIVIL ACTION: 01-CV-12257-PBS

ALL ACTIONS

Judge Patti B. Saris

TRIAL OF CLASS 2 AND 3 CLAIMS

**PLAINTIFFS' SUPPLEMENTAL OBJECTIONS TO TRACK 1 DEFENDANTS'  
DECEMBER 19<sup>TH</sup> REQUEST FOR ADMISSION OF TRIAL EXHIBITS**

Plaintiffs supplement their Objections to Track 1 Defendants' December 19<sup>th</sup> Request for Admission of Trial Exhibits (Dkt. No. 3511) filed on December 26, 2006 with the following exhibits and corresponding objections:

Exhibit No.	Basis for Objection
1227	This is a chart of margins Dr. Haegle received on all drugs administered to Medicare patients for 2004 and 2005, prepared by CRA International. Plaintiffs object to this exhibit on the basis stated at trial. The Court previously sustained Plaintiffs objection and denied Defendants' request to admit this exhibit. <i>See</i> Trial Tr. Day 14 at 119, 141-43 (Haegle).
1268	This is a letter to Karen Ford Manza, Regional Director, Managed Care from Keane Chan of Trigon regarding Service Agreements. Plaintiffs object to this exhibit because there is no testimony establishing a foundation for it. Counsel attempted to introduce this exhibit through Dr. Hartman during trial but the Court sustained Plaintiffs objection to the admission of this exhibit. <i>See</i> Trial Tr. Day 9 at 52-53 (Hartman).
2157	This is a memorandum from Grant E. Steffen to all the Physicians who wrote in about Lupron regarding AWP versus Acquisition Cost. Plaintiffs object to this exhibit because there is no testimony establishing a foundation for the document. Plaintiffs made this objection at trial and the Court concurred. <i>See</i> Trial Tr. Day 9 at 97-100, 105 (Hartman).

8/15/07 I sustain no objection to Exhibits numbered 1227 and 1268. I sustain the objection to 2157 with respect to the way it was introduced but allow admission with the limited purpose of establishing the percentage given and the individuality of the collection of AWP.

Patti B. Saris

Sustain

Sustain

DATED: January 19, 2007

By: /s/ Steve W. Berman

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **PLAINTIFFS' SUPPLEMENTAL OBJECTIONS TO TRACK 1 DEFENDANTS' DECEMBER 19<sup>TH</sup> REQUEST FOR ADMISSION OF TRIAL EXHIBITS** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on January 19, 2007, a copy to LexisNexis File & Serve for posting and notification to all parties.

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